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| UNITED STATES OF AMERICA, |) | |
| |) | |
| Vs. |) | ORDER |
| |) | |
| ROBERT DEON HUNTER, JR., |) | |
| a/k/a ROBERT DEAN HUNTER, JR., |) | |
| |) | |
| Defendant. |) | |
| |) | |

On February 23, 2007, defendant's counsel filed, on behalf of the defendant, a "Motion for Bond Hearing". Evidence was presented by the defendant in the form of testimony from the defendant's brother, Ed Hunter. Mr. Hunter works for the Department

of Corrections as a healthcare technician. He is 30 years old and has no criminal history. Ed Hunter is married and has two minor children, a boy age 8 and a girl age 11. Ed Hunter's wife is gainfully employed. Ed Hunter provides care, not only for his family but also for his mother and for his grandmother. The court finds that Ed Hunter would be a fit and suitable custodian in which to place the defendant, if the undersigned determined to release the defendant on terms and conditions of pretrial release. Evidence was further presented by the defendant showing that the defendant had completed the Jail Based Inpatient Treatment Program. In the program discharge and aftercare information it was shown that the defendant had actively participated in all activities and discussions of the Jail Based Inpatient Treatment Program and that it was a recommendation of the Jail Based Inpatient Treatment Program that the defendant be released with intensive inpatient program followed by an aftercare component.

The Government introduced into evidence the United States Pretrial Services Report that was dated December 21, 2006 and the recommendation of the United States Probation Office.

Discussion: The undersigned has reconsidered the issue of the release of the defendant on terms and conditions of pretrial release and makes the following findings, pursuant to the factors as set forth under 18 U.S.C. § 3142(g):

(g)(1) the nature and circumstances of the offense do involve a narcotic drug;

(g)(2) the weight of the evidence against the defendant appears to be of substance.

The defendant has entered into a plea agreement but has not yet pled guilty to the offense;

(g)(3) it appears that the defendant has family ties, a length of residence in the community and community ties. The undersigned incorporates by reference the findings as to this factor as set forth in the Order of Detention filed on January 8, 2007. It appears that the defendant does not have any previous felony convictions, but the defendant has in excess of 39 misdemeanor convictions as is set forth in that order. Several of those convictions involve crimes of violence and the abuse of controlled substances and alcohol.

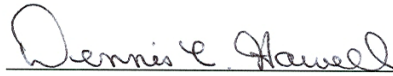
(g)(4) the undersigned has reconsidered whether or not the release of the defendant would create a danger to any other person or the community. The defendant has an excellent custodian with whom he could be placed and he has completed the Jail Based Inpatient Treatment Program. The court commends the defendant for his excellent participation and completion of the Jail Based Inpatient Treatment Program. However, having reconsidered the issue of the release of the defendant, it still appears to the undersigned that based upon the defendant's criminal record that the release of the defendant would create a danger to any other person or the community. Although the defendant's brother would be an excellent custodian, the court does not believe that the placement of the defendant with his brother would protect the public or his brother or his brother's family from potential acts of drug or alcohol abuse or potential acts of violence on the part of the defendant.

Based upon the foregoing, the undersigned has determined to enter an order denying the defendant's motion for pretrial release.

ORDER

WHEREFORE IT IS **ORDERED** that the Motion for Bond Hearing (#119) of the defendant is **DENIED** and that the defendant be continued to be detained pending sentencing in this matter.

Signed: March 7, 2007



Dennis L. Howell
United States Magistrate Judge

